JS 44 (Rev. 07/16) MAK

CIVIL COVER SHEET

16-CV-6281

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

A. Karen Brock

(b) County of Residence of First Listed Plaintiff Hamilton, IN
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
James Lewis Griffith, Esquire LLC
920 Lenmar Drive
Blue Bell, PA 19422
484-868-9700

DEFENDANTS

The Vanguard Group
100 Vanguard Boulevard
Malvern, PA 19355

County of Residence of First Listed Defendant Chester, PA
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☒ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
HR 4173 PUB LAW 111-203 124STAT 1376 (2010); SEC Section 21F

Brief description of cause:
Termination of Whistleblower

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $ $1,500,000.

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 12/01/2016 SIGNATURE OF ATTORNEY OF RECORD James Lewis Griffith

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

DEC - 2 2016

MAK

UNITED STATES DISTRICT COURT

16 6281

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 12648 TROUPE ST, CARMEL IN 46032

Address of Defendant: 100 VANGUARD BOULEVARD, MALVERN PA 19355

Place of Accident, Incident or Transaction: MALVERN PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes☐ No☒

Does this case involve multidistrict litigation possibilities? Yes☐ No☒

RELATED CASE, IF ANY:
Case Number: ______ Judge ______ Date Terminated: ______

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes☐ No☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes☐ No☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes☐ No☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes☐ No☒

CIVIL: (Place ✔ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*
1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☑ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
    (Please specify) DODD FRANK ACT

B. *Diversity Jurisdiction Cases:*
1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
   (Please specify) ______

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, JAMES LEWIS GRIFFITH, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of $150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 12-2-2016 [signature] Attorney-at-Law 05023 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12-2-2016 [signature] Attorney-at-Law 05023 Attorney I.D.#

CIV. 609 (5/2012)

DEC - 2 2016

MAK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

: CIVIL ACTION
:
v. :
:
: NO. 16 6281

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

12-2-2016	[signature]	Plaintiff.
Date	**Attorney-at-law**	**Attorney for**
484-868-9700		jgriffith@jlgriffithlaw.com
Telephone	**FAX Number**	**E-Mail Address**

(Civ. 660) 10/02

DEC - 2 2016

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MAK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

1

A. KAREN BROCK, 12648 Troupe Street Carmel, IN 46032 Plaintiff, v. THE VANGUARD GROUP 100 Vanguard Boulevard Malvern, PA 19355 Defendants.	CIVIL ACTION No. 16 6281

FILED
DEC 02 2016
LUCY V. CHIN, Interim Clerk
By ______ Dep. Clerk

COMPLAINT

COUNT I
WRONGFUL TERMINATION OF A WHISTLEBLOWER UNDER FEDERAL STAUTE AND REGULATIONS

I. PARTIES

1) The Plaintiff herein is Ms. A. Karen Brock an individual who currently resides at 9872 N. Port Drive, McCordsville, Indiana, 46055.

2) The Defendant is the Vanguard Group, a Pennsylvania corporation with its principal office located at 100 Vanguard Boulevard, Malvern, Pennsylvania, 19355 and also at 455 Devon Park Drive, Wayne, Pennsylvania, 19087.

II. JURSIDICTION AND VENUE

3) The within action arises under the laws of the United States, specifically the *Wall Street Reform and Consumer Protection Act, H.R. 4173: Pub. L. 111-203 124 Stat. 1376*

LS
Given
12/2/2016 ET

(2010) and the regulations adopted by the *Securities and Exchange Commission, Section 21 F and the Sarbanes Oxley Act of 2002, Pub. L. No. 107, 16 Stat 745.*

4) Venue is proper in this district as the place of incorporation of the Defendant and the principal office of the Defendant are within the district and the policies, procedures and decisions that caused harm to the Plaintiff originated in this district.

III. A TRIAL BY TWELVE JURORS IS HEREBY DEMANDED

IV. STATEMENT OF THE CLAIMS

5) Plaintiff is currently 57 years of age and has worked in the securities industry for over 15 years and holds Series 7, 63(Current) and Series 65 (Previous) securities certifications.

6) On or about April 18, 2011, Plaintiff was hired by the Defendant and worked in its offices at 14321 North Northsight Boulevard, Scottsdale, Arizona 85260.

7) In the course of her employment Plaintiff observed multiple practices and procedures which she believed were violations of the SEC regulations as to client confidentiality and the security of client personal information.

8) The violations were reported on several occasions to Plaintiff's supervisors and compliance officers.

9) In response to her internal reporting of these problems Defendant repeatedly assured Plaintiff that such practices and procedures would be corrected or was told that the problems were known to Vanguard but it could not provide a date for resolution.

10) Instead of protecting its investors by correction of the wrongful conduct as promised, Vanguard chose to engage in a course of punitive and retaliative actions against Plaintiff.

11) These actions included job transfers, discriminatory auditing of Plaintiff's use of employee benefits, providing false information to its customers and eventually terminating Plaintiff when they knew she was a whistleblower who had disclosed information to the SEC.

12) Subsequent to her termination on August 27, 2015, Plaintiff learned that false information about her had been posted by Defendant on FINRA's public website.

13) Plaintiff objected and demanded that the information be removed which was done but Plaintiff's reputation had already been permanently damaged by Vanguard's retaliatory conduct.

14) Plaintiff subsequently learned that Defendant posted false information on an industry only web CRD maintained by FINRA which it has refused to remove.

15) Plaintiff's attempts to seek post termination employment have been destroyed by Vanguard's retaliatory conduct and Plaintiff has been unemployed since her wrongful termination.

16) Plaintiff has lost income and incurred substantial expenses including travel, lodging and related expenses in her attempts to obtain employment.

17) Plaintiff believes and avers that her unemployment will continue over her working life expectancy.

18) Vanguard's retaliatory termination of a known whistleblower violates federal law.

19) Plaintiff was paid an annual salary by Vanguard in the amount of $55,500 and including benefits the value of her employment package was approximately $75,000 annually.

20) The reasons asserted by Vanguard to justify Plaintiff's discharge are fictions created to avoid the protections given whistleblowers under the federal laws.

21) The Plaintiff's losses will continue over her life expectancy and her working life expectancy.

22) Plaintiff has been forced to incur counsel fees and costs in addition to expenses related to her travel and related expenses in her search for employment for which she seeks reimbursement.

WHEREFORE Plaintiff asks the court to award compensatory damages, counsel fees, interest and costs.

COUNT II
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

23) Plaintiff hereby incorporates by reference paragraphs 1 through 22 inclusive as the same were set forth herein at length.

24) Within 17 days after Plaintiff publicly disclosed that she had engaged in whistleblowing activities with the SEC because of Defendant's repeated failure to take corrective action to protect its client's confidentiality Defendant terminated Plaintiff's job.

25) Defendant falsely stated that Plaintiff was guilty of unprofessional conduct.

26) Defendant published its false accusations on the FINRA public website and also on FINRA's website accessible only to security industry sources.

27) Such accusations continue to remain on the FINRA website and have damaged Plaintiff's integrity within the industry.

28) Defendant knew that such a posting would effectively bar Plaintiff from obtaining employment in her chosen field and despite diligent efforts she has not received a single offer due to the false and retaliatory postings by the defendant.

29) As a result, Plaintiff has been wrongfully excluded by the industry.

30) Vanguard's actions and false statements were negligently done.

31) Plaintiff has been caused severe emotional distress, anxiety, embarrassment, humiliation and seeks compensatory losses, interest, counsel fees and costs.

WHEREFORE, Plaintiff asks the Court to award compensatory damages, counsel fees and costs in an amount in excess of the arbitration limits.

COUNT III
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

32) Plaintiff hereby incorporates by reference paragraphs 1-22 of this Complaint as if the same were fully set forth at length herein.

33) Defendant's wrongful discharge and libelous misstatements have intentionally caused the Plaintiff great anxiety, sleeplessness, headache, emotional distress, embarrassment, humiliation and fear as to her future ability to support herself.

34) Plaintiff had incurred financial losses and been obliged to seek financial support from family and friends which has caused her additional embarrassment, humiliation and emotional distress.

WHEREFORE, Plaintiff asks the Court to award compensatory and punitive damages as well as non-economic losses, counsel fees and costs with interest.

JAMES L. GRIFFITH, ESQUIRE, LLC

James L. Griffith, Esquire
920 Lenmar Drive
Blue Bell, PA 19422
484-868-9700
jgriffith@jlgriffithlaw.com
Attorney for Plaintiff

DATED: December 1, 2016